

IN THE SUPREME COURT
OF THE STATE OF OREGON

In re:)
Complaint as to the Conduct of) Case No. 18-10, 18-11, & 18-12
LORI E. DEVENY,) NOTICE TO ANSWER
Respondent.)

TO: Lori E. Deveny, [REDACTED]

You are hereby notified that a petition for suspension during pendency of disciplinary proceedings (BR 3.1) against you has been filed by the Oregon State Bar, a copy of which is attached hereto and served upon you herewith. You are further notified that you may file with the Disciplinary Board Clerk, with a service copy to Disciplinary Counsel, your verified answer within fourteen (14) days from the date of service of this notice upon you. Absent the timely filing of an answer with the Disciplinary Board Clerk, the relief sought in the petition for suspension during pendency of disciplinary proceedings can be obtained.

The address of the Disciplinary Board Clerk of the Oregon State Bar is Post Office Box 231935, Tigard, Oregon 97281-1935, dbclerk@osbar.org.

Dated this 21st day of March, 2018.

[REDACTED]
Amber Bevacqua-Lynott, OSB No. 990280
Chief Assistant Disciplinary Counsel

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Oregon State Bar - Disciplinary Counsel's Office
16037 SW Upper Boones Ferry Road / Post Office Box 231935
Tigard, Oregon 97281-1935
1-800-452-8260 toll free / (503) 968-4457 facsimile

OSB 0354

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IN THE SUPREME COURT

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OF THE STATE OF OREGON

3 In re:

4 Complaint as to the Conduct of

5 LORI E. DEVENY,

6 Respondent.

)
) Case No. 18-10, 18-11, & 18-12
)
) DECLARATION OF AMBER BEVACQUA-LYNOTT
) IN SUPPORT OF BR 3.1 PETITION
)
)
)

7 I, Amber Bevacqua-Lynott, declare as follows:

8 1. I am Chief Assistant Disciplinary Counsel for the Oregon State Bar ("Bar") and the
9 Disciplinary Counsel's Office ("DCO") attorney primarily responsible for the prosecution of Lori E.
10 Deveny ("Deveny") for violations of the Rules of Professional Conduct and ORS Chapter 9. The
11 statements contained in this declaration are based on my personal knowledge and my review of
12 the Bar's records and files prepared and maintained in the ordinary course of its business.

13 2. In connection with my investigation of the Deveny complaints, I obtained the
14 IOLTA reporting summary ("IOLTA Summary") related to Deveny's lawyer trust account at Wells
15 Fargo Bank ("Deveny IOLTA Summary"). The IOLTA Summary is a reporting tool used to calculate
16 the amount of interest payable to the Oregon Law Foundation on applicable IOLTA accounts. It
17 is limited in that it only reports the ending statement balance each month, and only goes back
18 approximately four years.

19 **██████ Complaint**

20 3. My review of the Deveny IOLTA Summary shows that Deveny's trust account
21 balance as of the earliest reported date of April 30, 2014, was \$33,662.88. At that time, she had
22 been in receipt of the \$100,000 ██████ Settlement Funds (as defined in the Bar's Formal
23 Complaint) for approximately 30 months. DCO is currently attempting to ascertain the possible
24 interim disposition of the ██████ Settlement Funds by obtaining all of Deveny's banking records
25 related to her IOLTA account through subpoenaing those records directly from the bank.

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1 4. As the balance of funds in trust on April 2014, was below the minimum amount of
2 the [REDACTED] Settlement Funds, it is clear that Deveny removed at least a majority of the [REDACTED]
3 Settlement Funds by that time.

4 5. The monthly amounts on the Deveny IOLTA Summary vary greatly but, on
5 November 30, 2014, the balance in Deveny's trust account was \$2,029.53 (*i.e.*, all of the [REDACTED]
6 Settlement Funds were gone).

| | |
|---|-----------|
| 7 | Complaint |
|---|-----------|

8 6. It is difficult to ascertain from the Deveny IOLTA Summary when, if ever, prior to
9 March 2017, that Deveny received the [REDACTED] Settlement Funds. (March is the month that
10 [REDACTED] learned from Medicare that her case had been reported settled.) DCO is currently
11 attempting to ascertain the specific date and amount of the [REDACTED] Settlement by obtaining all
12 of Deveny's banking records related to her IOLTA account through subpoenaing those records
13 directly from the bank.

14 7. Regardless, by the end of November 2017, the balance in Deveny's trust account
15 was \$543.19. (i.e., all of the [REDACTED] Settlement Funds were gone).

16 [REDACTED] Complaint

8. It is difficult to ascertain from the Deveny IOLTA Summary when, if ever, in and around June 2016, that Deveny received the [REDACTED] Settlement Funds. (June is the month that opposing counsel sent her the proceeds.) DCO is currently attempting to ascertain the specific date and amount of the [REDACTED] Settlement by obtaining all of Deveny's banking records related to her IOLTA account through subpoenaing those records directly from the bank.

9. Nevertheless, according to DCO's communications with [REDACTED], Deveny remitted \$10,245.20 to [REDACTED] on December 15, 2017. As noted above, the Deveny IOLTA Summary indicates that her trust account balance on November 30, 2017, was \$543.19 (i.e., all of the [REDACTED]).

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1 Settlement Funds were gone and therefore [REDACTED] payment did not come from the [REDACTED]
2 Settlement Funds).

3 I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY
4 KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN COURT
5 AND IS SUBJECT TO PENALTY FOR PERJURY.

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7 Dated this 21st day of March, 2018.

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[REDACTED]
Amber Bevacqua-Lynott, OSB No. 990280
Chief Assistant Disciplinary Counsel

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